

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TONY L. ROUHOTAS, SR.,

Plaintiff,

v.

COST PLUS, INC., et al.,

Defendants.

Case No. 10-CV-1141-BEN (JMA)

**ORDER SCHEDULING SETTLEMENT
CONFERENCE**

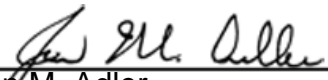
A Settlement Conference will be held in the chambers of Magistrate Judge Jan M. Adler on **March 11, 2011 at 10:00 a.m.**, Room 1165, United States Courthouse, 940 Front Street, San Diego, California 92101-8928. **All named parties, all counsel, and any other person(s) whose authority is required to negotiate and enter into settlement shall appear in person at the conference. The individual(s) present at the Settlement Conference with settlement authority must have the unfettered discretion and authority on behalf of the party to: 1) fully explore all settlement options and to agree during the conference to any settlement terms acceptable to the party (*G. Heileman Brewing Co., Inc. v. Joseph Oat Corp.*, 871 F.2d 648, 653 (7th Cir. 1989)), 2) change the settlement position of a party during the course of the conference (*Pitman v. Brinker Int'l, Inc.*, 216 F.R.D. 481, 485-86 (D. Ariz. 2003)), and 3) negotiate a settlement without being restricted by any predetermined level**

1 **of authority (*Nick v. Morgan's Foods, Inc.*, 270 F.3d 590, 596 (8th Cir. 2001)).**

2 Governmental entities may appear through litigation counsel only. As to all other
3 parties, appearance by litigation counsel only is not acceptable. Retained outside
4 corporate counsel shall not appear on behalf of a corporation as the party who has the
5 authority to negotiate and enter into a settlement. **The failure of any counsel, party or**
6 **authorized person to appear at the Settlement Conference as required shall be**
7 **cause for the immediate imposition of sanctions.** All conference discussions will be
8 informal, off the record, privileged, and confidential.

9 **IT IS SO ORDERED.**

10 DATED: February 11, 2011

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12 Jan M. Adler
13 U.S. Magistrate Judge
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